IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1689 OF 2005

Shri. Anil Vijay Kapoor ...Petitioner

Versus

Smt. Jyotsna Govind Dhamapurkar
and another ...Respondents

.....

Mr. P.N. Joshi, Advocate for Petitioner

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 26TH JULY, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of proceedings and the order issuance of process issued against him in R.C.C. No. 1234 of 2004 which is pending in the Court of learned Judicial Magistrate, First Class, Ulhasnagar, Dist. Thane. In the said case, process has been issued against the petitioner under Section 423, 504 and 506 of I.P.C. The learned advocate for the petitioner submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set

aside. If the process issued against the petitioner is set aside, the proceedings in respect of the petitioner would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of three weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

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